

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARMONI MASUD JOHNSON,

Petitioner,

v.

SUPERINTENDENT THOMAS
MCGINLEY, *et al.*,

Respondents.

No. 3:19-CV-01512

(Chief Judge Brann)

(Chief Magistrate Judge Mehalchick)

ORDER

SEPTEMBER 2, 2021

Armoni Masud Johnson, a Pennsylvania state prisoner, filed this 28 U.S.C. § 2254 petition seeking to vacate his convictions and sentence.¹ Johnson raises numerous claims in his petition, including claims of a *Batson*² violation, and that his due process rights were violated.³

In June 2021, Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court deny the petition and deny as moot Johnson's motion for summary judgment.⁴ Specifically, Chief Magistrate

¹ Doc. 1.

² *Batson v. Kentucky*, 476 U.S. 79 (1986).

³ Docs. 1, 5.

⁴ Doc. 34.

Judge Mehalchick recommends finding that Johnson's claims are procedurally defaulted, and that no exceptions would permit this Court to consider the claims.⁵

After receiving an extension of time, Johnson filed timely objections to the Report and Recommendation.⁶ "If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'"⁷ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations.⁸ Upon *de novo* review, the Court finds no error in Chief Magistrate Judge Mehalchick's Report and Recommendation. Consequently, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick's Report and Recommendation (Doc. 34) is **ADOPTED**;
2. Johnson's 28 U.S.C. § 2254 petition (Doc. 1) is **DENIED**;
3. Johnson's motion for summary judgment (Doc. 25) is **DENIED** as moot;

⁵ *Id.*

⁶ Doc. 39.

⁷ *Equal Emp't Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁸ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

4. Johnson's motion for an extension of time to file objections (Doc. 37) is **DENIED** as unnecessary;
5. The Court declines to issue certificate of appealability;⁹ and
6. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

⁹ See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (setting forth legal standard).